

**REMARKS/ARGUMENTS**

Applicant includes a certified copy of CA 2,335,395, filed February 8, 2002, and submits that the claim to foreign priority based thereon has now been perfected.

The Examiner has rejected claims 9 to 11 as being anticipated, under 35 U.S.C. 102 (e), by Tornabene. Applicant submits an Affidavit under 37 C.F.R. 1.131 showing invention prior to March 17, 2000, the earliest listed priority date in the Tornabene reference, and requests withdrawal of the 37 C.F.R. 102(e) rejection.

A petition for a 2-month Extension of Time is submitted under separate cover, with the appropriate fee.

The Commissioner is hereby authorized to charge any additional fees, and credit any overpayments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Applicant submits that the application is now in condition for allowance, and favorable action to that end is respectfully requested.

Respectfully submitted,  
**Stephen B. SUTHERLAND, et al.**

By: 

**L. Anne Kinsman**  
**Reg. No. 45,291**  
Borden Ladner Gervais LLP  
World Exchange Plaza  
100 Queen Street, Suite 1100  
Ottawa, ON K1P 1J9  
CANADA  
Tel: (613) 787-3519  
Fax: (613) 787-3558  
E-mail: [akinsman@blgcanada.com](mailto:akinsman@blgcanada.com)

Encl.

1. Certified Copy of CA 2,335,395
2. Affidavit under 37 C.F.R. 1.131

ALK/plg